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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/333,680	11/03/1994	QING WANG	CELL16	6383

7590
Linda R. Judge
CELL GENESYS, INC.
342 Lakeside Drive
Foster City, CA 94404

05/02/2005



EXAMINER

PRIEBE, SCOTT DAVID

ART UNIT PAPER NUMBER

1632

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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08/333,680

EXAMINER

Priebe, Scott D.

ART UNIT	PAPER
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1632 20050426

DATE MAILED:

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Commissioner for Patents

Interference Nos. 104830 and 105136 have been terminated by decisions adverse-in-part to applicant. Claims 37, 38, 46, 47, 52, 54, and 56, as to which judgments adverse to Applicant have been rendered, stand finally disposed of in accordance with 37 CFR 41.127.

Applicant is reminded that claims 49 and 50 were cancelled and claims 37-39, 46-48, 54 and 57 were amended by Examiner's Amendment in Paper No. 27 filed 1/25/99.

Claims 39-45 and 57 are allowable. However, due to a potential interference, *ex parte* prosecution is SUSPENDED FOR A PERIOD OF 6 MONTHS from the date of this letter. Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

Scott D. Priebe

Scott D. Priebe, Ph.D.
Primary Examiner
Art Unit: 1632



The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper  55

By: Trial Section Merits Panel
Board of Patent Appeals and Interferences
U.S. Patent and Trademark Office
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Filed:
30 June 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

GENCELL S.A.
Junior Party
U.S. Patent 6,127,175

v.

QING WANG, MITCHELL H. FINER and XIAO-CHI JIA
Junior Party,
Application 08/333,680

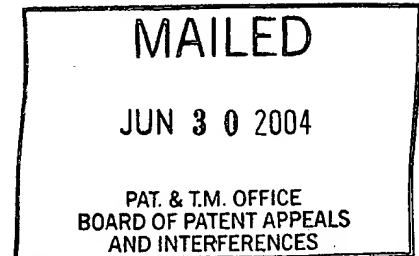
v.

GENCELL S.A.
Senior Party
Application 08/397,225

Patent Interference No. 104,830 (CAS)

Before: SCHAFER, TORCZON and SPIEGEL, Administrative Patent Judges.

SPIEGEL, Administrative Patent Judge.



JUDGMENT - RULE 640

I. Order

Therefore, pursuant to the "Order to Show Cause" dated February 25, 2004 (Paper 118) and in view of the "Decision on Preliminary Motions" dated February 25, 2004 (Paper 116), the "Order Redecaring Interference" dated February 25, 2004 (Paper 117), the "Order" suspending final judgment against Vigne/Gencell as to Counts 3 and 7 and against Perricaudet/Gencell as to Count 8 dated April 2, 2004 (Paper 120), the "Decision on Rehearing" dated May 21, 2004 (Paper 125), and the "Decision on Order to Show Cause" dated May 21, 2004 (Paper 126), it is

ORDERED that judgment on priority as to Counts 3 and 7 (Paper 117, pp. 2-6) is awarded against junior party EMMANUELLE VIGNE, MICHEL PERRICAUDET, JEAN-FRANÇOIS DEDIEU, CÉCILE ORSINI, PATRICE YEH, MARTINE LATTA and EDOUARD PROST (Vigne/Gencell).

FURTHER ORDERED that junior party EMMANUELLE VIGNE, MICHEL PERRICAUDET, JEAN-FRANÇOIS DEDIEU, CÉCILE ORSINI, PATRICE YEH, MARTINE LATTA and EDOUARD PROST (Vigne/Gencell) is not entitled to a patent containing

(i) claim 33 (corresponding to Count 3) and

(ii) claims 1-6, 11-16, 20-21 and 23-25 (corresponding to Count 7)

of U.S. Patent 6,127,175, issued October 3, 2000, based on U.S. application 08/875,223, filed July 17, 1997.¹ (Paper 117, pp. 2-6).

¹ Vigne claims 7-10, 17-19, 22 and 26-32 do not correspond to any of Counts 3, 7 and 8 and, therefore, are not involved in the interference (Paper 117, p. 7).

FURTHER ORDERED that judgment on priority as to Count 8 (Paper 117, pp. 6-7) is awarded against junior party MICHEL PERRICAUDET, EMMANUELLE VIGNE and PATRICE YEH (Perricaudet/Gencell).

FURTHER ORDERED that MICHEL PERRICAUDET, EMMANUELLE VIGNE and PATRICE YEH (Perricaudet/Gencell) is not entitled to a patent containing claim 42 of U.S. application 08/397,225, filed March 28, 1995.² (Paper 117, pp. 6-7).

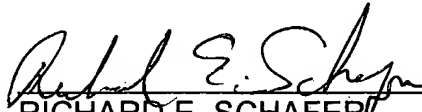
FURTHER ORDERED that judgment on priority as to Count 3 (Paper 117, pp. 2-6) is awarded against junior party QING WANG, MITCHELL H. FINER and XIAO-CHI JIA (Wang).

FURTHER ORDERED that junior party QING WANG, MITCHELL H. FINER and XIAO-CHI JIA (Wang) is not entitled to a patent containing claims 37-38, 46-47, 52, 54 and 56 of U.S. application 08/333,680, filed November 3, 1994.

FURTHER ORDERED that a copy of this paper shall be made of record in the files of U.S. patent 6,127,175, U.S. application 08/333,680 and U.S. application 98/397,225.

² Perricaudet claims 1-3, 6, 9-30, 33 and 35-41 do not correspond to any of Counts 3, 7 and 8 and, therefore, are not involved in the interference (Paper 117, p. 7).

FURTHER ORDERED that if there is a settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.


RICHARD E. SCHAFER
Administrative Patent Judge


RICHARD TORCZON
Administrative Patent Judge


CAROL A. SPIEGEL
Administrative Patent Judge

) BOARD OF PATENT
) APPEALS AND
) INTERFERENCES
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